## REMARKS

Claims 1, 2, 7, 8, 13, 17 and 25 are pending in the subject application prior to entry of this Amendment. Of those claims, claims 1, 7, 13, 17 and 25 are independent.

It is initially noted that independent claim 25 is allowed in the outstanding Office Action. Applicant thanks the Examiner for this indication of allowable subject matter.

By the Amendment herewith, claims 1 and 7 are amended to include the features of claims 2 and 8, respectively. Claims 2 and 8 are thus cancelled without prejudice.

Claim 13 is amended to recite, in part, (emphasis added) "creating transmission parameter signaling data including two information bits to signal whether a signal carries time-sliced elementary streams and whether the signal has a forward error correction framing structure." Claim 17 is similarly amended to recite, in part, (emphasis added) "configured to create transmission parameter signaling data including two information bits to signal whether the signal carries time-sliced elementary streams and whether the signal has a forward error correction framing structure." These changes are supported by, for example, page 18, lines 9 to 11 of the specification as filed.

Accordingly, upon entry of this Amendment, claims 1, 7, 13, 17 and 25 are pending. All of these claims are independent.

In the outstanding non-final Office Action, the Abstract is objected to as allegedly being too long and exceeding 150 words. Applicant respectfully traverses this objection, but has shortened the Abstract in accordance with the Examiner's suggestion. More particularly, the current Abstract is cancelled without prejudice and inserted at page 19 of the specification. The original reference numbering of the Abstract also

is included. The wording of the currently amended Abstract is supported throughout the specification and by claim 7. No new matter is introduced into the application as a result of the foregoing changes. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Regarding the rejections based upon art, claims 1-2, 7-8, 13 and 17 are rejected under 35 USC Section 103(a) as being unpatentable over Stanwood et al. (US 7,197,022) in view of Mecklenbraucker (US 7,106,705).

The foregoing rejection is respectfully disagreed with, and is traversed below.

Independent claim 1 recites, in part, "determining from the decoded transmission parameter signaling data if the signal carries time-sliced elementary streams" and "disregarding the signal in response to determining that the signal does not carry time-sliced elementary streams." The Examiner considers that these features are disclosed by Stanwood et al. In particular, the Examiner cites column 11, lines 59 to 65, and column 12, lines 32 to 59 as being of relevance to these features.

Applicant respectfully disagrees with the Examiner, as these passages do not describe the afore-mentioned features of claim 1. Instead, column 11 of Stanwood et al. merely describes that a downlink map may include Downlink Interval Usage Code entries which could describe the beginning of a TDM (or a TDMA) portion and subsequent transitions between portions. Column 12 then describes that "each terminal would receive a broadcast preamble ... which would indicate when their preamble would be transmitted by the base station."

The Examiner then postulates that the terminal disregards portions of the signal that are not assigned to it. However, even if the Examiner's postulation

is correct (which Applicant makes no admission to), Stanwood et al. do not disclose the afore-mentioned features. The reason for this is that, for example, disregarding a signal because it is intended for another terminal is not the same as disregarding a signal because it does not carry time-sliced elementary streams.

Indeed, in Stanwood all of the portions of the signal are either TDM or TDMA and, as such, could all be considered to be time-sliced; none of the portions are not TDM or TDMA. Thus, Stanwood clearly does not teach or suggest the claimed features of "determining ... [whether or not] the signal carries time-sliced elementary streams" and "disregarding the signal in response to determining that the signal does not carry time-sliced elementary streams."

The afore-mentioned features also are not taught or suggested by Mecklenbrauker. As such, the cited art does not, either individually or in combination, teach or suggest the combination of features of independent claim 1. For at least this reason, claim 1 is patentable.

Similarly independent claim 7 is considered to be patentable for corresponding reasons set forth above regarding correspondingly recited subject matter.

Claims 13 and 17 each recite, in part, "creating transmission parameter signaling data including two information bits to signal whether a signal carries time-sliced elementary streams and whether the signal has a forward error correction framing structure." This feature is not taught or suggested by any of the cited art. As such, these claims also are patentable for at least this reason.

Regarding claim 25, Applicant agrees with the Examiner that this claim is allowable.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and remove the outstanding objection and rejection. A Notice of Allowance is earnestly solicited.

Should the Examiner have any questions, a call to the undersigned would be kindly appreciated.

Respectfully submitted,

_Chu W. Ben_

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Date

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

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_J. Droniak_
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